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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,118	11/13/2001	Takahiko Nomura	111094	6341

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EXAMINER
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GODDARD, BRIAN D

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/987,118	Applicant(s) NOMURA ET AL.	
	Examiner Brian Goddard	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

1. This communication is responsive to the Amendment filed 15 July 2004.
2. Claims 1 and 3-33 are pending in this application. Claims 1, 18-20, 22-24 and 26-31 are independent claims. In the Amendment filed 15 July 2004, claim 2 was cancelled; claims 31-33 were added; and claims 1, 6, 18-20, 24 and 28 were amended. This action is non-final.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1 and 3-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0065709 to MacKenzie in view of U.S. Patent No. 6,606,615 to Jennings et al.

Referring to claim 1, MacKenzie discloses the knowledge-based management diagnosis method as claimed. See Figures 1-6 and the corresponding portions of MacKenzie's specification for this disclosure. MacKenzie teaches a knowledge-based management diagnosis method, [See Fig. 1] comprising:

collecting [105] and accumulating [110, 115, 205-215] awareness data [survey instruments] from a plurality of subjects [employees/respondents] in an organization, the awareness data expressing knowledge assets [knobless items] and feature assets [knobby items] about actions; and

analyzing [120-130] the accumulated awareness data, and outputting [135 (Specifically Step 625)] results of the analysis [a Results Report] to a presentation side terminal ['client'] through a communication link [Internet via e-mail (See e.g. Paragraphs 0072-0073)]

wherein the knowledge assets are temporal knowledge assets [opinions/subjective answers (e.g. from EOS)].

MacKenzie does not explicitly state that the [temporal] knowledge assets indicate how the knowledge assets will change from present to a future time as claimed. However, MacKenzie does state that the Employee Opinion Survey (EOS) could include items (indicating 'knowledge assets') about, "the management, **the future**,

leadership...” (emphasis added) in ¶ 0141. This provides direct suggestion for including an indication of how the knowledge assets will change from present to a future time.

Jennings discloses a survey system/method similar to that of MacKenzie, wherein the survey is directed to temporal knowledge assets [‘values’ of various assets which change over time] indicating how the knowledge assets will change from present to a future time [forecasted/predicted] as claimed. See the Abstract, Summary, and Detailed Description portions of the specification for this disclosure.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Jennings’ survey methods towards temporal knowledge assets into the system and method of MacKenzie, such that employees could indicate how the knowledge assets will change from present to a future time in the combined survey system, to obtain the invention as claimed. One would have been motivated to do so because of the suggestion of MacKenzie as described above, and further to allow those surveyed to forecast/predict the disposition of the temporal knowledge assets for further analysis, as described by Jennings.

Referring to claim 3, MacKenzie v. Jennings discloses the knowledge-based management diagnosis method as claimed. See Figure 1 and the corresponding portion of MacKenzie’s specification for this disclosure. MacKenzie v. Jennings teaches the method of claim 1, as above, wherein knowledge-based management assets [holonomic properties (HPs)] concerning the knowledge-based management of the organization are further collected [from the ODS] from said respective subjects and accumulated as part of the knowledge assets [See Steps 105 & 115] as claimed.

Referring to claim 4, MacKenzie v. Jennings discloses the knowledge-based management diagnosis method as claimed. See Figure 1 and the corresponding portion of MacKenzie's specification for this disclosure. MacKenzie v. Jennings teaches the method of claim 1, as above, wherein the feature assets include information pertaining to work styles of each subject [coding information for each respondent (See Paragraphs 0067-0074)] as claimed.

Referring to claims 5-6, MacKenzie v. Jennings discloses the knowledge-based management diagnosis method as claimed. See Figure 1 and the corresponding portion of MacKenzie's specification for this disclosure. MacKenzie v. Jennings teaches the method of claim 4 as above, wherein information pertaining to work styles of each subject include status pertaining to autonomy [rank, unit] ,location where work is performed [See Paragraphs 0067-0074], and interrelation with other subjects [rank, unit] as claimed.

Referring to claims 7-11, MacKenzie v. Jennings discloses the knowledge-based management diagnosis method as claimed. See Figures 1-6 and the corresponding portions of MacKenzie's specification for this disclosure. MacKenzie v. Jennings teaches the method of claim 1, as above, wherein the step of analyzing said accumulated awareness data includes determining a correlation [Step 120] between the awareness data of the knowledge assets [knobless items] and the feature assets [knobby items], the knowledge assets [knobless items] and the feature assets [knobby items] pertaining to each subject's cooperation with other subjects [by client splits (See

Fig. 2)], the knowledge assets [knobless items] and the knowledge-based management assets [Holonomic Properties (HPs)]...as claimed.

Referring to claims 12 and 13, MacKenzie v. Jennings discloses the knowledge-based management diagnosis method as claimed. See Figures 1-2 and the corresponding portions of MacKenzie's specification for this disclosure. MacKenzie v. Jennings teaches the method of claim 1, as above, further comprising the steps of grouping the subjects [See Step 215]...and constructing information communities ['splits'] that express the subject groups as claimed.

Referring to claim 14, MacKenzie v. Jennings discloses the knowledge-based management diagnosis method as claimed. See Figures 1-6 and the corresponding portions of MacKenzie's specification for this disclosure. MacKenzie v. Jennings teaches the method of claim 1, as above, wherein said awareness data is collected from each of a predetermined set of organizations [units/splits]...as claimed.

Referring to claim 15, MacKenzie v. Jennings discloses the knowledge-based management diagnosis method as claimed. See Figures 1-6 and the corresponding portions of MacKenzie's specification for this disclosure. MacKenzie v. Jennings teaches the method of claim 1, as above, wherein the step of collecting and accumulating awareness data is performed using a server [e-mail server] prior to the step of analyzing the accumulated awareness data [See e.g. Paragraphs 0072-0073] as claimed.

Referring to claim 16, MacKenzie v. Jennings discloses the knowledge-based management diagnosis method as claimed. See Figures 1-2 and the corresponding

portions of MacKenzie's specification for this disclosure. MacKenzie v. Jennings teaches the method of claim 15, as above, wherein said awareness data is weighted [via scaled answers] by each subject as claimed.

Claim 17 is rejected on the same basis as claim 13, in light of the basis for claim 16. See the discussion regarding claims 13 and 16 above for the details of this disclosure.

Claims 18 and 19 are each rejected on the same basis as claim 1. See the discussion regarding claim 1 above for the details of this disclosure.

Claims 20-30 are rejected on substantially the same basis as claims 1-17 above. See the discussions regarding claims 1-17, and the corresponding cited portions of MacKenzie and Jennings, for the details of this disclosure. Referring to claim 20 for example, MacKenzie v. Jennings teaches a knowledge-based management diagnosis method comprising: displaying [survey] a plurality of knowledge items...[See claim 1 above]; accumulating...first and second awareness data [See claim 1 above]; and comparing results [MacKenzie: See ¶ 0139-0150] determined for the first awareness data [MacKenzie: 'Current Value'] and the second awareness data [MacKenzie: 'Computed Target' – forecasted/predicted value as per modification in claim 1 above], and displaying the compared result [See TABLE 4] in association with the respective knowledge items as claimed.

Referring to claim 31, MacKenzie v. Jennings discloses the knowledge-based management diagnosis method as claimed. See the discussions regarding claims 1 and 12-13 above, as well as the portions of MacKenzie and Jennings cited therein, for



the details of this disclosure. MacKenzie v. Jennings teaches a knowledge-based management diagnosis method, comprising: collecting...[See claim 1 above]; analyzing...[See claim 1 above]; and generating at least community of subjects [See claims 12-13 above]. MacKenzie's communities of subjects ['splits'] are not explicitly indicative of subjects who are interested in particular knowledge or whose work styles are similar as claimed. However, Jennings discloses generating at least one community of subjects who are interested in particular knowledge or whose work styles are similar ['members of a certain group, firm, club or trade association' (See Figs. 1-4 & corresponding portion of Jennings)] based on results of analysis as claimed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Jennings' grouping functionality into that of MacKenzie to obtain the invention as claimed. One would have been motivated to do so in order to focus analysis to a smaller, more directed group of subjects, as disclosed by Jennings.

Claims 32-33 are rejected on substantially the same basis as claims 1-17 above, in light of the basis for claim 31. See the discussions regarding claims 1-17 and 31 above for the details of this disclosure.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1 and 3-33 have been considered but are moot in view of the new ground(s) of rejection.

Referring to applicants' remarks on page 13 regarding claims 20-30: Applicants argued that MacKenzie does not disclose or suggest comparing results determined/calculated for the first awareness data and the second awareness data, and accumulating as third awareness data, information pertaining to the degree of contribution.

The examiner disagrees for the following reasons: MacKenzie (See also the combination above) clearly shows comparing results determined for first and second awareness data in ¶ 0139-0150 and TABLE 4. This is the entire purpose of MacKenzie's invention. Furthermore, MacKenzie (See also the combination above) clearly shows accumulation of information pertaining to the degree [as 'weight' information] of contribution in the same. Thus, the combination of MacKenzie and Jennings discloses each and every limitation of applicants' claimed invention.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Namely, U.S. Patent No. 6,574,621 to Lautzenheiser et al. is considered particularly pertinent to applicants' claimed invention, as amended.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Goddard whose telephone number is 571-272-4020. The examiner can normally be reached on M-F, 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bdg  
3 January 2005

  
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